

CHAPTER 913
City-Owned and Nonresidential Sanitary Sewers

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CROSS REFERENCE

- Power to license sewer tappers and vault cleaners - see Ohio R.C. 715.27
- Compulsory sewer connections - see Ohio R.C. 729.06
- Regulations to control house sewers and connections - see Ohio R.C. 729.51
- Sanitation facilities in trailer camps - see BUS. REG. 733.09
- Sewage and refuse disposal in trailer camps - see BUS. REG. 733.11
- Sewer rental - see S. & P.S. Ch. 915
- Stormwater management - see S & P.S. Ch. 919
- Subdivisions - see P. & Z. 1161.10(h)
- Ohio Plumbing Code adopted - see BLDG. 1301.04
- Drainage of swimming pools - see BLDG. 1325.05

913.01 DEFINITIONS.

Unless the context specifically indicates otherwise the meaning of terms used in this chapter shall be as follows:

- (a) "Act" means the Clean Water Act (33 U.S.C. 1251 et seq.), as amended.
- (b) "BOD" denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter.
- (c) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet, 1.5 meters, outside the inner face of the building wall.
- (d) "Building sewer" means the extension from the building drain ending at either the City's lateral in the right-of-way or the public sewer or other place of disposal.

(e) "Categorical Pretreatment Standards" means National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific industrial dischargers.

(f) "CCTV" means Closed Circuit Television.

(g) "City" means the City of Sidney, Ohio.

(h) "Director" means the Utilities Director of the City or any future title given to this position, or his authorized deputy, agent or representative.

(i) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(j) "Indirect discharge" means the discharge or the introduction of non-domestic pollutants from a source regulated under Section 307(b) or (c) of the Act, into a POTW.

(k) "Indirect discharger" means any nonresidential user who discharges an effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches and all constructed devices and appliances appurtenant thereto.

(l) "Industrial waste(s)" means the liquid wastes from industrial and manufacturing processes, trade or business, as distinct from sanitary sewage.

(m) "Interceptors" means a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge into a building drain or building sewer.

(n) "Interference" a discharge which alone or in conjunction with a discharge or discharges from other sources:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and/or

(2) Is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including State regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act and the Toxic Substance Control Act.

(o) "Lateral" means the City's portion of the sewer serving a property extending from the main sewer up to and including the clean out or other approved structure located within the right-of-way. Laterals are City-owned and therefore subject to Chapter 913 "City-Owned and Nonresidential Sewers".

(p) "Mass limitations" means, for each pollutant, the maximum allowable industrial loading to the POTW that is allocated individually to each industrial user in proportion to the industrial user's current loading. The limits are derived by determining the ratio of the POTW's allowable head works loading to the POTW's current head works loading, and then multiplying this ratio by each industrial user's current loading.

(q) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(r) "New discharger" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(1) The building, structure, facility or installation is constructed at a site at which no other source is located;

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(s) "Nonresidential" means a property served by a sewer that does not meet the definition of a "Residential".

(t) "NPDES" means the National Pollutant Discharge Elimination System permit program as administered by the U.S. EPA or

State.

(u) "O&M" means operation and maintenance.

(v) "Other waste(s)" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and industrial wastes.

(w) "Pass-through" means a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation.

(x) "Person" means any individual, firm, company, association, society, corporation or group.

(y) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(z) "Pollutant" means any substance discharged into a POTW or its collection system which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations or physiological manifestations as defined in standards issued pursuant to Section 307(a) of the Act.

(aa) "POTW" denoting Publicly-Owned Treatment Works, means any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the City.

(bb) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

(cc) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch, 1.27 centimeters, in any dimension.

(dd) "Public sewer" means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority.

(ee) "Residential" means a property limited to a single family, duplex, or triplex residential structure that discharges only domestic waste. All others are considered non-residential.

(ff) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground water are not intentionally admitted.

(gg) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present.

(hh) "Sewage Treatment Plant" means all facilities for pumping, treating and disposing of sewage. Also referenced as Sewage Works, Wastewater Treatment Plant or WWTP.

(ii) "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage. Also referenced as Sewage Treatment Plant, Wastewater Treatment Plant or WWTP.

(jj) "Sewer" means a pipe or conduit for carrying sewage.

(kk) "Shall" is mandatory; "may" is permissive.

(ll) "Significant Industrial User" means:

(1) All industrial users subject to categorical pretreatment standards; and

(2) Any other industrial user with the exception of those identified in paragraph (mm)(3) below, that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or has a reasonable potential, in the opinion of the Utilities Director, to adversely affect the POTW's operation or to violate any pretreatment standard or requirement.

(3) Upon a finding that an industrial user meeting the criteria in paragraph (mm)(2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from an industrial user, determine that such industrial user is not a significant industrial user.

(mm) "Significant non-compliance" means that an industrial user's violations meet one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Utilities Director determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations which the Utilities Director determines will affect or has adversely affected the operation or implementation of the City's pretreatment program.

(nn) "Slug load" means any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW.

(oo) "Storm sewer" means a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(pp) "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

(qq) "Toxic pollutant" means any pollutant designated by the Administrator of U.S. EPA pursuant to Section 307(a)(1) of the Act.

(rr) "Upset" means an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this chapter, due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

(ss) "Wastewater" means industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the POTW.

(tt) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

(Ord. A-1742. Passed 1-22-90; Ord. A-1810. Passed 5-28-91; Ord. A-2051. Passed 8-26-96; Ord. A-2142. Passed 11- -98; Ord. A-2211. Passed 5-8-00; Ord. A-2396. Passed 8-23-04; Ord. A-2405. Passed 11-8-04; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12.)

913.02 PERMIT REQUIRED FOR SEWER WORK AND STREET EXCAVATIONS.

No person or plumber engaged in the business of sewer construction or sewer work is permitted to make any connection to the sanitary sewer of the City or to make any opening or excavation in the streets of the City without first having obtained a permit therefor.

(Ord. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12.)

913.03 SEWER BUILDER'S LICENSE: BOND.

(a) Any person desiring to do business as a sewer builder, shall file a petition in the office of the City Manager giving the names of

the individual or firm and place of business, asking to be licensed as a sewer builder. The petition must be signed by two responsible citizens of the City vouching for the business capacity and reputation of the applicant, as a master of his or her trade and willing to be governed in all respects by the provisions of this chapter and by the rules and regulations which are or may be adopted by the City Manager.

(b) Each applicant for a license shall execute and deposit with his or her application, a bond with two or more resident sureties owning real estate of a value of two thousand dollars (\$2,000) over and above encumbrances. The applicant may give a surety company bond if he or she desires. This bond must be approved by the City Manager, in the sum of two thousand dollars (\$2,000), conditioned that the applicant will indemnify and leave harmless the City from all accidents and all damages caused by any negligence in protecting his or her work or by any unfaithful, imperfect, inadequate, careless or unskilled work done by him or her.

(c) Sewer builders shall promptly and at the proper time replace and restore sidewalks, pavement or street surface over any opening the contractor may have made, to the same condition as the contractor found it prior to its opening; and keep and maintain the same in good order, to the satisfaction of the City Manager, for the period of six months next thereafter.

(d) No contractor shall fail to obtain an inspection of the sewer tap and/or an inspection of the sewer lateral installation and/or perform the restoration work. Violation of this section shall result in the following:

(1) First offense in a two-year period: Contractor shall receive a warning from the City Engineer and shall be required to televise the sewer lateral at his or her costs and provide results to the City and/or make all restoration efforts.

(2) Second offense in a two-year period: Contractor shall be required to excavate the sewer tap and lateral and have said work properly tested and inspected and/or make all restoration efforts.

(3) Third offense in a two-year period: The City Engineer shall execute against contractor's bond to have the sewer tap and lateral exposed, tested and inspected by another licensed sewer builder. The City Engineer shall then revoke the sewer builder's license for said contractor for a period of two years. Additionally, contractor shall pay all fines imposed on him or her for violation of any of the rules and regulations prescribed in this section.

(e) No sewer builder's license will be granted for more than two years. All licenses will expire on the first Monday in April at the end of the two-year period.

(Ord. A-901. Passed 5-21-71; Ord. A-2396. Passed 8-23-04; Ord. A-2743. Passed 12-10-12.)

913.04 PLUMBER REQUIRED.

All connections to the City's sewer shall be performed by a plumber who has given bond to the City as required by Section 913.03.

(1) A plumber is not required to make the connection of the building sewer to the City's lateral if provided.

(Ord. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12.)

913.05 DEPOSIT OR DISCHARGE ON PUBLIC OR PRIVATE PROPERTY, OR NATURAL OUTLET PROHIBITED.

(a) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

(b) No person shall discharge into any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) If the Director or his or her designee determines that there is an immediate danger to public health, the Director has the authority, but not the obligation, to cause the necessary repairs to be performed on private property. All costs and expenses to make said repair or otherwise eliminate the health hazard shall then be billed to the property owner. In the event of non-payment, the costs shall be assessed to the property.

(d) The Director may cause repairs to be made and the cost thereof shall temporarily be paid by the City. This cost, together with a penalty as determined by Council, shall be assessed by Council. If not so paid, the Clerk of Council shall certify such assessments to the County Auditor to be collected as other taxes are collected.

(Ord. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12.)

913.06 SEWER CONNECTIONS MANDATORY.

(a) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, individual sewage disposal system or other facility intended or used for the disposal of sewage.

(b) The owner of all buildings or properties for human occupancy, employment, recreation or other purposes situated within the City and abutting any street, alley or right-of-way in which there is located a public sewer of the City within 200 feet of the property line or within 400 feet of the foundation of the structure, is hereby required, at the owner's expense, to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter, and by the date prescribed by the Sidney-Shelby County Health Department All on-site sewage disposal systems within the City in existence prior to March 24, 2003 shall have ten years from the date that sewer services became available to connect to the public sewer system, unless the on-site system shall fail, as determined solely by the Health Department.

(c) In no case shall an owner be authorized to improve, extend or expand an on-site disposal system without approval of the City; the owner shall, however, be permitted to clean and repair an existing system.

(d) Whenever an on-site disposal system is abandoned, it shall be properly with a granular material acceptable to the Utilities Director.

(Ord. A-1327. Passed 3-17-80; Ord. A-2142. Passed 11- -98; Ord. A-2211. Passed 5-8-00; Ord. A-2344. Passed 3-10-03; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.065 PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) Except as provided, no person shall construct or maintain any privy, vault, septic tank, cesspool or other facility intended or used for private sewage disposal.

(b) If a public sanitary sewer is not available within 200 feet of a premises, or within 400 feet of the foundation of a structure on the premises, the building sewer shall be connected to a private sewage disposal system authorized by the Health Department regulations. These regulations shall include: the type of on-lot disposal system, location, and layout.

(c) All on-lot disposal systems shall be maintained per the regulations of the Health Department.

(d) No holding tank waste shall be permitted to directly discharge into any natural outlet.

(e) When public sewers become available to those being served by private sewage disposal systems under this section, property owners shall comply with Section 913.06(c) of the Codified Ordinances.

(f) The abandonment of private sewage disposal systems shall be in compliance with the requirements of the Health Department.

(g) The owner shall, at his or her expense, operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

(Ord. A-2211. Passed 5-8-00; Ord. A-2743. Passed 12-10-12.)

913.07 APPEAL.

(a) Any person so ordered to: (1) connect to the sanitary sewer system; (2) ordered to extend water mains or sewer mains; or (3) denied a variance under Section 920.04(c) of the Codified Ordinances shall have the right to appeal such order or decision to the Utility Connection Appeal Board. The Board shall consist of the Director of Utilities and the Public Works Director or their designated representatives, and a representative of the Shelby County Board of Health. Appeals shall be filed in writing with the Board and shall be in accord with such rules and procedures as the Board may establish. This three-person Board shall hear, review and rule on appeals, shall resolve facts concerning the availability of a sanitary sewer to a property; the extension of sewer mains and water main; and variances. In making these determinations, the Board shall specifically include the following criteria:

(1) Environmental concerns;

- (2) Technical feasibility; and
- (3) Economic consequences.

There shall be provided a 30-day appeal period following receipt of the City notice or decision. The Board shall rule on such appeal within 30 days following the receipt of an appeal.

(b) Any person so ordered to perform an inspection in accordance with this chapter, abate a defective building drain and/or building sewer or any other action authorized by this chapter of the Codified Ordinances, shall have the right to appeal such order or decision to the Director. The Director shall hear, review and rule on appeals and shall resolve facts concerning the appeal.

Appeals shall be submitted in writing to the Director within 30 days of receipt of the City Order to be considered. Appeals submitted after 30 days shall not be considered.

The Director shall be authorized to provide an extension of time as deemed appropriate but not to exceed for the following activities:

- (1) 30 days for a Private Property I&I Reduction Program inspection to be performed.
- (2) 30 days for the installation of a City-approved clean out.
- (3) 60 days for abatement of a defective building drain and/or building sewer.
- (4) 60 days for the disconnection of clean water sources.

The Director shall rule on such appeal within 30 days following the receipt of the appeal.

(Ord. A-1327. Passed 3-17-80; Ord. A-2456. Passed 10-24-05; Ord. A-2743. Passed 12-10-12.)

913.08 OWNERS TO EXTEND TO WATER AND SEWER CONNECTIONS; ASSESSMENTS.

(a) Whenever the paving or repairing of any street or public highway has been ordered by Council, the Department of Public Works shall, as it deems necessary, serve the owners of property abutting upon the street or highway, a notice directing such owners to extend the sanitary sewer lateral and water connections to the property line or as it may designate within a time specified therein to be available for future use.

(b) At the expiration of the time specified, if connections are not made as herein provided, the Director shall cause these to be made and the cost thereof shall temporarily be paid by the City. This cost, together with a penalty as determined by Council, shall be assessed by Council on the property abutting on the street or highway to be paved, to be paid in cash to the Finance Director. If not so paid, the Clerk of Council shall certify such assessments to the County Auditor to be collected as other taxes are collected. Council may waive the provisions of this section and Section 913.07 if the property owner is willing to sign an agreement that he will not be permitted to connect to the sanitary sewer for a period of time as prescribed by Chapter 901.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2743. Passed 12-10-12.)

913.09 ABUTTING OWNERS TO PAY PRO RATA SHARE.

(a) Whenever sanitary sewers or portions thereof are laid at the expense of the City without the cost of the line or lines being paid for by, or assessed against, all the property owners abutting these lines and benefited thereby, the owner of any of the abutting property to be serviced by such line or lines and for which property the cost thereof has not been paid or assessed shall pay his pro rata share of the line or lines before tapping therein.

(b) Whenever such lines are laid by the owners or other persons with the authority of and under the direction of the Utilities Director, except in cases where the owners of new subdivisions are required to make such installations at their expense by the order of the Planning Commission, under and by virtue of the Subdivision Regulations of the City, persons shall certify the cost of the improvements to the Director immediately upon completion. These amounts shall be subject to the approval of the Director and may be reduced if the Director, with the advice of the City Engineer and in his or her unqualified discretion, feels that the costs are excessive.

(c) The owner of any abutting property thereby serviced by such line or lines, and for which property the cost thereof has not been paid, shall pay his or her pro rata share of the cost of the line or lines as determined by the Utilities Director before tapping therein. The money so received shall be paid to the persons who paid the cost of the line, or their heirs, executors, administrators or assigns.

However, no payment to such person or persons shall be made more than 15 years after completion of the job and certification of the cost to the Director. Any money received for tapping in after 15 years shall be a part of the sewer fund of the City.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.10 SEWER TAP PERMIT REQUIRED.

(a) The following procedures are established for a property owner to connect to the sanitary sewer system:

(1) For existing properties that utilize septic tanks or other on-lot disposal system and are desiring connection with the City sewer system, shall first have the building drain/sewer inspected to the City's standards prior to obtaining a sewer tap permit. The purpose of this inspection is to identify all lines leaving the building and verify there are no clean water sources and/or building sewer/drain defects.

A. All sanitary, floor drains and gray water drains are to be identified and connected to the building drain or building sewer.

B. Roof drains, yard drains and foundation drains, sump pumps or any other connection allowing clean water shall not be connected to the building drain or building sewer as provided in Section 913.15.

(2) For new properties, the plumbing inspection is required per State Code prior to connecting to the sanitary sewer.

(3) Upon completion of the building drain/sewer inspection, the property owner shall submit to the inspection report and CCTV video to the City when applying for a sewer tap permit. No sewer tap permit will be issued without a completed inspection.

(b) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without complying with these regulations.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2344. Passed 3-10-03; Ord. A-2743. Passed 12-10-12.)

913.11 PERMIT APPLICATION: FEES.

Application for a permit shall be signed by the owner, lessee or agent of the property for which the permit is desired and by the person employed to perform the work. The application must describe the property and state the purpose of which the permit is desired, and shall be accompanied by a fee in accordance with the following schedule:

(a) Existing building sewer and/or building drain repair, modification, or replacement	\$25.00.
(b) Tap-in charges for sanitary sewers: Single-family dwelling unit	\$100.00.
Two or more family dwelling units	\$100.00 for first dwelling unit.
All additional units	\$75.00 each, providing that all units use the same lateral.
Mobile home park	\$100.00 for first mobile home
All additional mobile homes	\$75.00 each, providing that all mobile homes use the same lateral.

(c) All other uses based on size of water meter and tap fees will be as follows:

<u>Meter Size (inches)</u>	<u>Tap Fees</u>
5/8	\$100.00
3/4	\$125.00
1	\$175.00
1-1/2	\$300.00
2	\$425.00
3	\$825.00
4	\$1,275.00
6	\$2,525.00
8	\$4,025.00
10	\$5,775.00

(d) When the size of the water meter is increased, a tap charge will be made for the difference in sizes. In the event the proposed user of a sanitary sewer is not a user of water supplied by the City, the tap-in fee will be based on the size of the proposed user's own service.

(e) The sewer tap in fee covers the City's costs for inspection of the lateral installation and, when applicable, the inspection of the septic tank abandonment.

(Ord. A-1240. Passed 5-15-78-0; Ord. A-2344. Passed 3-10-03; Ord. A-2743. Passed 12-10-12.)

913.111 ADDITIONAL TAP-IN FEES.

(a) Before any property located within an area bounded on the east by Interstate 75, on the south by a line extending 1,600 feet south and parallel to Millcreek and Fair Roads, on the west by a line extending 1,000 feet west and parallel to Kuther Road, and on the north by a line extending 3,200 feet north and parallel to State Route 47, as shown on Exhibit "A" attached to Ordinance A-1573 and made a part hereof, can be connected to the sanitary sewer system, there must be paid, in addition to the tap-in fee required by Section 913.11, a tap-in fee based on the size of the water meter as follows:

<u>Meter Size (inches)</u>	<u>Tap Fees</u>
5/8 x 3/4	\$ 850.00
3/4	\$1,275.00
1	\$1,912.50
1-1/2	\$3,400.00
2	\$5,100.00
3	\$8,500.00
4	\$17,000.00
6	\$25,500.00

(1) When the size of the water meter is increased, a tap charge will be made for the difference in sizes. In the event the proposed user of a sanitary sewer is not a user of water supplied by the City, the tap-in fee will be based on the size of the proposed user's own water demand, but in no case less than the demand of a 5/8 x 3/4-inch meter.

(2) In the event that the proposed user had a separate NPDES permit, or consumed water in their manufacturing process, or could otherwise establish that the water was not going into the sanitary sewer system, the City Manager may make an administrative adjustment in the above fees.

(Ord. A-1573. Passed 8-11-86; Ord. A-1866. Passed 9-28-92.)

(b) Before any property located within an area in which the sewage flows into the North Buckeye Avenue trunk sewer, which is located north of Paul Street and under North Buckeye Avenue, and which is bounded on the east by the CSX Transportation Incorporated Railroad, on the south by Paul Street and Paul Street extended from the aforesaid Railroad west to where it would intersect with Interstate Route 1-75, and on the west and north by Interstate Route I- 75, as shown on Exhibit "A" attached to Ordinance A-1764 and made a part hereof, can be connected to the sanitary sewer system, there must be paid, in addition to the tap-in fee required by Section 913.11, a tap-in fee based on the size of the water meter as follows:

<u>Meter Size (inches)</u>	<u>Tap Fees</u>
5/8 x 3/4	\$ 250.00
3/4	\$375.00
1	\$563.00
1-1/2	\$1,000.00
2	\$1,500.00
3	\$2,500.00
4	\$5,000.00
6	\$8,750.00

(1) When the size of the water meter is increased, a tap charge will be made for the difference in sizes. In the event the proposed user of a sanitary sewer is not a user of water supplied by the City, the tap-in fee will be based on the size of the proposed user's own water demand, but in no case less than the demand of a 5/8 x 3/4-inch meter.

(2) In the event that the proposed user had a separate NPDES permit, or consumed water in its manufacturing process, or could otherwise establish that the water was not going into the sanitary sewer system, the City Manager may make an administrative adjustment in the above fees.

(Ord. A-1764. Passed 7-23-90.)

(c) Before any property located within an area in which the sewage flows into the North 27" Trunk Sewer, located on St. Rte. 47 and Sidney-Freyburg Road, and servicing the general service area bounded on the east by Lochard Road, on the west by the railroad running parallel with County Road 25A, on the north by Sharp Road and on Sidney-Freyburg Road from a point approximately 1,200 feet north of Plum Creek north to Mason Road and other contributing areas to the North 27" Trunk Sewer, as shown on Exhibit "A" attached to Ordinance No. A-2476 and made a part hereof, can be connected to the sanitary sewer system, the owner must pay, in addition to the tap-in fee required by Section 913.11, a tap-in fee based on the size of the water meter as follows:

<u>Meter Size (inches)</u>	<u>Tap Fees</u>
5/8 x 3/4	\$122.27
3/4	\$183.40
1	\$275.10
1-1/2	\$489.07

2	\$733.60
3	\$1,222.67
4	\$2,445.34
6	\$4,279.34

(1) When the size of the water meter is increased, a tap charge will be made for the difference in sizes. In the event the proposed user of a sanitary sewer is not a user of water supplied by the City, the tap-in fee will be based on the size of the proposed user's own water demand, but in no case less than the demand of a 5/8 x 3/4-inch meter.

(2) In the event that the proposed user has a separate NPDES permit, or has consumed water in its manufacturing process, or could otherwise establish that the water was not going into the sanitary sewer system, the City Manager may make an administrative adjustment to the above fees.

(Ord. A-2476. Passed 3-27-06; Ord. A-2743. Passed 12-10-12.)

913.12 COST AND EXPENSE.

All costs and expense incidental to the inspection, repair, installation and connection of the building drain, building sewer and lateral shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the inspection, repair, installation and connection of the aforementioned.

(Ord. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12.)

913.13 SEPARATE SEWER REQUIRED; USE OF EXISTING SEWERS.

(a) A separate and independent building sewer and lateral shall be provided for every building needed to be serviced by a sewer.

(1) The Director may permit multiple buildings to connect where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer provided that ownership of the building sewer remains with the owner of the lot.

(2) In no case shall a building sewer extend beyond a single lot to connect multiple buildings.

(b) Existing building sewers may be used in connection with new buildings only when they are found, on inspection, to comply to City standards at the time of connection and to meet all requirements of this chapter.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2743. Passed 12-10-12.)

913.14 CONSTRUCTION CONFORMANCE.

(a) The size, slope, alignment, materials of construction of a building sewer and lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the Building and Plumbing Codes, adopted in Chapter 1301 of Part Thirteen - the Building Code, or other applicable rules or regulations of the City, and shall be approved by the Utilities Director.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.145 BACKWATER VALVES.

(a) No person shall tap any sewer of the City or make any connection therewith, unless there shall be installed in such connection, or in the building sewer, what is commonly known as a backwater valve where the overflow rim of the lowest plumbing fixture(s) inside the structure is below the rim elevation of the next upstream manhole in the public sewer.

(1) Backwater valves shall be installed so that access is provided to the working parts for service and repair at the owner's expense.

(2) The Health Department shall designate and approve the standard acceptable types of backwater valves that shall be used. The installation and inspection of backwater valves shall be conducted by the Health Department.

(b) Whenever the Utilities Director shall determine it necessary for the protection from sewer backups, owners of property, which are connected to the City sewer prior to June 1, 2000, shall install backwater valves in the sewer connections to their property.

(c) No owner or occupant of property, having a sewer connection without a backwater valve, who is ordered to install the backwater valve therein shall fail to comply with such order.

(d) The Utilities Director shall promulgate rules covering the conditions where the backwater valves shall be installed.

(Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.15 CLEAN WATER INTRUSION PROHIBITIONS.

(a) No person shall make a connection from their roof downspouts, exterior foundation drains, areaway drains or other similar collections of surface runoff or ground water to a drain which is connected directly or indirectly to a public sanitary sewer.

(b) Any existing structure which has such connections shall be notified in writing by the Utilities Director to disconnect such drains from the public sanitary sewer within 24 months.

(c) Any existing structure which is found to have ground water intrusion into the building sewer shall be notified in writing by the Utilities Director and will be given 24 months to make the necessary repairs.

(d) All cost and expense incidental to the inspection, disconnection or repair mentioned in subsections (a), (b) and (c) above shall be borne by the owner.

(e) Whoever fails to comply with this section after notice has been received shall be guilty of a fourth degree misdemeanor.

(Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.155 BUILDING DRAIN/SEWER DEFECTS PROHIBITED.

(a) Defects of building drains/sewer are prohibited and upon discovery of such shall be ordered by the Director to be abated. Defects shall be abated no later than 24 months after receipt of order.

(1) Defects include but are not limited to:

A. Mineral deposits that indicate leaks have occurred;

B. Separated joints;

C. Offset joints;

D. Roots;

E. Fractures;

F. Collapsed pipe;

G. Restrictions that prevent inspection;

H. Missing or defective clean out caps;

I. Any other defect that may cause clean water to enter the sanitary sewer;

J. Unidentified connections and/or connections of potential clean water sources such as, but not limited to, downspouts, sump pumps, foundation drains, driveway drains, and yard drains;

K. Observed active leaks.

(2) The Director may require abatement to occur in a period of less than 24 months when, in his or her judgment, delaying abatement puts the POTW at risk, public health may be adversely affected or there has been a previously abated clean water source reconnected.

(b) Any property owner may transfer ownership of the portion of an existing building sewer that resides within the public right-of-way to the City provided that:

- (1) A clean out or other structure and its location approved by the Director is provided;
- (2) The Administrative fees are paid;
- (3) A signed "Building Sewer Lateral Transfer Agreement" is submitted to the City.

The Director may waive the Administrative Fee and the requirement for the property owner to provide a clean out if transfer of the building sewer residing in the right-of-way is desired by the City as part of a Utilities or Public Works project.

(Ord. A-2743. Passed 12-10-12.)

913.16 CONNECTIONS; STANDARDS.

The connection of the lateral to the sewer, the building sewer to the lateral and the connection of the building sewer to the building drain shall conform to the requirements of the Building and Plumbing Code, adopted in Chapter 1301 of Part Thirteen - the Building Code, or other applicable rules and regulations of the City, or to the procedures set forth in appropriate specifications of the WEF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Utilities Director before installation.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.17 INSPECTION.

(a) The applicant for a sewer permit shall notify the Utilities Director when the sewer is ready for inspection.

(b) The connection to the public sewer, lateral and the connection between the building drain and the building sewer, as well as the entire building sewer, shall remain uncovered until approved by the Director or his representative.

(c) When applicable, upon completion of the sewer connection, the property owner shall abandon the on-lot sewage disposal system in accordance with the Health Department procedures and shall be inspected and approved by the Director or his representative.

(1) The City shall forward the septic tank abandonment inspection form to the Health Department.

(d) The lateral from the sewer main up to and including the clean out or other approved structure in the right-of-way shall be turned over to the City and shall become part of the City's POTW upon passing a sewer inspection.

(e) Because I&I will, over time, increase as a system ages, whether it is a private or public sewer and I&I is a major contributor to Sanitary Sewer Overflows (SSOs), back-ups into basements (WIBs), and bypasses at the WWTP, and all of these conditions are a violation of the City's NPDES permit issued by the Ohio EPA, the Director shall create and maintain standards for inspections of private sewers. Inspections shall be required when one or more of the following conditions are applicable:

(1) Flow monitoring in the sanitary sewer identifies that inflow and/or infiltration is occurring in the tributary sewerage service area.

(2) Publicly available evidence indicates that a defect may be, present and/or inflow and/or infiltration is entering a building drain and/or building sewer.

(3) The private sewer has not previously been inspected and has not previously passed an air test as described in the City's Engineering Standard.

(4) The property is sold or transferred and a previous inspection has not been performed in five years since the point of sale.

(f) The Director shall establish standards for such inspections and shall require a CCTV inspection of any and all portion of the

building drain and building sewer that cannot be visually inspected. All inspections reports and CCTV video shall be submitted to the City for review and evaluation no later than 12 months after being so ordered.

(1) All inspection reports submitted to the City shall include a signed certification statement by the person that performed said inspection.

(2) Cost and expense of inspecting building drains and building sewers for defects and/or clean water connections shall be borne by the owner.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2344. Passed 3-10-03; Ord. A-2743. Passed 12-10-12.)

913.18 EXCAVATION; BARRICADES; RESTORATION REQUIRED.

All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Ord. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12.)

913.19 SURFACE WATER; PROCESS WATERS PROHIBITED.

(a) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters into any sanitary sewer.

(b) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Utilities Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Directors into a storm sewer or natural outlet.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2743. Passed 12-10-12.)

913.20 PROHIBITED DISCHARGES.

No discharger shall discharge or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the City:

(a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flash point of less than 140°F or 60°C, using the test method specified in 40 C.F.R. 261.21.

(b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.

(c) Any wastewater having a pH less than 5.5 or higher than 10.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, or constitute a hazard to humans or animals.

(e) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW, in a quantity that may cause acute worker health and safety problems, create a public nuisance or are sufficient to prevent entry into the sewers for their maintenance and repair.

(f) Any substance which may cause the POTW's effluent or treatment residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State standards applicable to the sludge management method being used.

(g) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits.

(h) Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into a POTW which exceeds 40°C (104°F).

(j) Any slugload.

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established by the City in compliance with applicable State or Federal regulations.

(l) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the Utilities Director.

(m) Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

(n) Any discharge from cooling towers, boilers, closed-loop heat transfer systems and/or any other cooling or heating system treated with molybdenum-containing water treatment chemicals.

(Ord. A-1742. Passed 1-22-90; Ord. A-1810. Passed 5-28-91; Ord. A-2142. Passed 11- -98; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12.)

913.205 ACCESS TO SEWER SYSTEM.

No person shall access the sewer system or POTW for any activity, including discharge of hauled septic or industrial wastes, except at locations and at times as designated by the Utilities Director. Any removal of manhole lids, or other access to the sewer system, for the purpose of discharging wastes at times and/or locations other than those designated by the Utilities Director, shall be considered a violation and shall be subject to enforcement action, including fines and penalties allowed by this chapter.

(Ord. A-1810. Passed 5-28-91; Ord. A-2142. Passed 11- -98; Ord. A-2743. Passed 12-10-12.)

913.21 LIMITATIONS ON WASTEWATER STRENGTH.

(a) National Categorical Pretreatment Standards. National Categorical Pretreatment Standards, as promulgated by the U.S. EPA pursuant to the Act, shall be met by all dischargers of the regulated industrial categories.

(b) State Standards. State standards shall be met by all dischargers who are subject to such standards.

(Ord. A-1742. Passed 1-22-90.)

(c) Local Standards. All discharges shall comply with the average and/or instantaneous concentrations as stated and defined in the most recent revision of Technical Document No. 001**, as measured at a point prior to discharge to the public sewer. When required by the discharger's permit, the average concentration shall be determined by obtaining a composite sample of the wastewater collected over a continuous 24-hour period. The composite sample may be either flow proportioned or time proportioned. When required by the discharger's permit, the instantaneous concentration shall be determined by obtaining a grab sample of the wastewater in accordance with established sampling procedures set forth by the Ohio Environmental Protection Agency and the United States Environmental Protection Agency. The Utilities Director may impose mass limitations for specific substances when it is determined that the imposition of mass limitations is necessary either to protect the treatment works, sludge disposal processes, sludge disposal options and receiving streams, or to comply with the City's NPDES permit. The mass limits may be raised, to allow for expanding operations, through a petition and application to the Director. Conversely, the Utilities Director may reduce the mass limits if it is determined that the facilities operations have decreased enough to warrant a change to the permit limits. The City reserves the right to impose average concentration limits, for industrial users, using any one of four methods, described in the EPA's, *Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program*, December 1987, that effectively allocate maximum allowable headworks loadings. **Technical Document No. 001 - Wastewater Discharge Limits: Copies of the City of Sidney's average standards are available from the Director upon request.

(Ord. A-2051, Passed 8-26-96; Ord. A-2142. Passed 11- -98; Ord. A-2396. Passed 8-23-04.)

(d) Dilution. No discharger shall increase the use of potable or process water in any way for the purpose of diluting a discharge as

a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

(e) Accidental Discharges. Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. Review and approval of such plans and operating procedures by the City shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

(f) Provisions for Modifying Standards.

(1) The City reserves the right to periodically review and amend this chapter to assure compliance by the City with applicable Federal and State laws and regulations.

(2) All categorical standards promulgated by the U.S. EPA shall be included by reference as part of the limitations defined in subsection (a) hereof.

(3) An application for modification of any National Categorical Pretreatment Standard may be considered for submittal to the Regional Administrator by the City when:

A. The POTW meets the consistent removal criteria defined in 40 C.F.R. 403.7(A); and

B. Sufficient data is obtained in accordance with 40 C.F.R. 403.7(c). All information necessary to apply for a modification must be obtained by the industrial discharger(s), at no cost to the City.

(4) All State and other governmental standards shall be included by reference as part of the limitations defined in subsection (b) hereof.

(5) Any changes to this section shall include a reasonable time schedule for compliance. Such time schedule shall not exceed two years except under unusual circumstances and only after the approval of the Utilities Director.

(g) Orders. The City may issue orders to any industrial discharger to require compliance with any requirements under this chapter, including applicable Categorical Standards, other discharge limits and/or reporting requirements.

(Ord. A-1742. Passed 1-22-90; Ord. A-2142. Passed 11- -98; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12.)

913.22 DATA DISCLOSURE REQUIRED FOR INDUSTRIAL DISCHARGES.

(a) Compliance. All industrial dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this chapter. All existing industrial dischargers connected to or discharging to the POTW shall also comply with all terms of this chapter.

(b) Wastewater Discharge Data Disclosure. Industrial dischargers shall complete and file with the Utilities Director, a disclosure declaration in the form prescribed by the Director, and accompanied by the appropriate fee. Existing industrial dischargers shall file disclosure forms within 90 days after effective date of this section, and proposed new dischargers and existing dischargers who plan to modify their processes and/or wastewater characteristics shall file their disclosure forms at a time mutually agreeable between the City and discharger, but more than 90 days prior to any connection or change. The disclosure to be made by the discharger shall be made on forms provided by the Director and shall cover:

(1) Disclosure of name, address and location of the discharger.

(2) Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

(3) Disclosure of wastewater constituents and characteristics including, but not limited to, those mentioned in this chapter.

(4) Disclosure of time and duration of discharges.

(5) Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured, unless other verifiable techniques are approved by the Utilities Director due to cost or non-feasibility.

(6) Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes sampling chambers and appurtenances by size, location and elevation.

(7) Description of activities, facilities and plant processes on the premises, including all materials which are or may be discharged to the sewers or works of the City.

(8) Disclosure of each type of product produced.

(9) Disclosure of the type and amount of raw materials utilized (average and maximum per day).

(10) Disclosure of the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge,, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis.

(11) Disclosure of additional operation and maintenance activities and/or additional pretreatment if consistent compliance is not being achieved. A Compliance Schedule shall be provided in accordance with subsection (d) hereof.

(12) All disclosure forms shall be signed by a principal executive officer of the discharger.

(c) Evaluation and Approval. The Utilities Director will evaluate the completed disclosure forms and data furnished by the discharger and may require additional information. Within 30 days after full evaluation and acceptance of the data furnished, the Director shall notify the discharger of the Director's acceptance thereof.

(d) Compliance Schedule. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger may be required to provide a compliance schedule in accordance with Section 913.33 (d).

(Ord. A-1742. Passed 1-22-90; Ord. A-2142. Passed 11- -98; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12.)

913.23 NUISANCE REMEDIES.

If any waters or wastes are discharged, or are proposed to be discharged into the public sewers, which contain the substances or possess the characteristics enumerated in Section 913.21, and which, in the judgment of the Utilities Director, may have a deleterious effect upon the Wastewater Treatment System, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

(a) Reject the wastes;

(b) Require pretreatment to an acceptable condition for discharge to the public sewers;

(c) Require control over the quantities and rates of discharge;

(d) Require payment to cover the added cost of handling and treating wastes as provided in Section 913.235;

(e) May issue a "Variance" to the Industrial Discharge Permit to allow for special treatment that would otherwise be described as a prohibitive discharge as provided in Section 913.20. In no such case shall the special treatment cause a detrimental effect on the sewage works system or the environment. If the Utilities Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. A-1068. Passed 1-6-75; Ord. A-2142. Passed 11- -98; Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.235 CHARGES FOR EXCESSIVE LOADS.

(a) Any customer, whether an individual, corporation, partnership or otherwise, who is connected to the City sanitary sewer system and who contributes wastes exceeding the normal domestic waste standards set forth herein, shall pay an additional charge to cover the costs of handling those wastes.

(b) The limits for normal domestic wastes are established as follows:

Chemical oxygen demand - 500 mg/l

Total suspended solids - 250 mg/l

(c) For use in determining the C.O.D. and total suspended solids concentrations, an average will be used which will be established from a minimum of two tests per month taken on composite samples. All analyses shall conform to the most recent edition of the *Standard Methods for Examination of Water and Wastewater*, subsequently adopted.

(Ord. A-1068. Passed 1-6-75; Ord. A-2250. Passed 5-29-01.)

(d) The charges for handling those wastes exceeding the limits set forth above shall be based on the City's previous two year annual costs for Sewer Administration; Sewer Collection; Industrial Pretreatment; Wastewater Plant; and Equipment Replacement costs (less billing and debt service).

The loadings, averaged over the last five years, will be used in the calculations that follow. Cost data used in compiling these formulas represent the actual history of expenses from the previous two years for the wastewater treatment plant.

(1) Allocation of costs:

- A. Flow: 37.8%
- B. Total Suspended Solids ("TSS"): 30%
- C. Chemical Oxygen Demand ("COD"): 32.20%

(2) Formulas to determine unit cost:

A. "TSS" Unit Costs = Previous 2 years average annual sewer costs x 30%

Previous 5 year "TSS" loading average @ WWTP

2011-2012 Unit Costs = (\$2,736,816 x 0.30) = \$0.314 per lbs. TSS

2,614,641 lbs. Raw TSS

B. "COD" Unit Cost = Previous 2 Years Average Annual Sewer Costs x 32.2%

Previous 5 Year Average "COD" Loading Average @ WWTP

2011-2012 Unit Costs = (\$2,736,816 x 0.322) = \$0.116 per lb. COD

7,594,993 lbs. Raw COD

(3) Formulas to compute quarterly surcharges:

A. Total Suspended Solids (TSS):

Quarterly Volume (cu.ft.) x 62.383 lbs. x (TSS ppm value - 250 ppm)

1,000,000 cu.ft.

= Excess lbs. of SS

"TSS" surcharge = (Excess lbs. of TSS) x (TSS unit costs)

B. Chemical Oxygen Demand (COD):

Quarterly Volume (cu.ft.) x 62.383 lbs. x (COD ppm value - 500 ppm)

1,000,000 cu. ft.

= Excess lbs. of COD

"COD" surcharge = (Excess lbs. of COD) x (COD unit costs)

(4) These charges shall be reviewed every two years and revised as necessary.

(Ord. A-1595. Passed 12-8-86; Ord. A-2133. Passed 7-13-98; Ord. A-2250. Passed 5-29-01; Ord. A-2404. Passed 11-8-04; Ord. A-2504. Passed 2-12-07; Ord. A-2589. Passed 11-10-08; Ord. A-2673. Passed 2-28-11; Ord. A-2743. Passed 12-10-12.)

913.24 INTERCEPTORS.

(a) Grease, oil, and sand interceptors or traps shall be installed when, in the opinion of the Utilities Director, they are necessary to properly handle liquid wastes containing grease in excessive amounts or flammable wastes or sand and other harmful ingredients to the public sewer system. Interceptors or traps shall not be required for private living quarters or dwelling units unless commercial food preparation is being performed on the premises.

(b) Interceptors or traps shall be of a type and capacity approved by the Health Department and shall be readily and easily accessible for cleaning and inspection. The interceptor shall be constructed of impervious materials capable of withstanding abrupt and extreme temperature changes, shall be of substantial construction, gas-tight, water-tight, and shall be equipped with easily removable covers.

(c) The sizing and installation of such interceptors and traps shall be under the authority of the Health Department.

(d) Where installed, all grease, oil and sand interceptors shall be maintained in an efficient manner at all times at the owner's expense.

(e) The use of biological enzymes or chemical agents for the emulsion or reduction of oils and greases are prohibited.

(f) All buildings or establishments that employ the use of grease traps or oil interceptors shall be required to pump and clean the unit at least annually at the owners expense. Certification or proof of the cleaning shall be forwarded to the Director no later than 30 days after cleaning and pumping has taken place.

(g) The Director may require more frequent cleaning of the grease trap or interceptor if needed for the protection of the sanitary sewers.

(h) The Director or his designee shall have the authority to inspect all interceptors and traps to verify compliance with this section.

(i) The approval of special interceptors by the Director does not in any way guarantee their functioning in the manner described by the contractor or manufacturer; nor shall it relieve a person of the responsibility of enlarging or otherwise modifying the interceptors to accomplish the intended purpose.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.25 REPORTING REQUIREMENTS FOR INDUSTRIAL DISCHARGERS.

(a) Categorical Pretreatment Standards and Significant Industrial Users.

(1) Baseline data reports for new source dischargers. At least 90 days prior to commencement of discharge, new dischargers, and dischargers that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a baseline monitoring report. New dischargers shall be required to include in this report information on the method of pretreatment the discharger intends to use to meet applicable pretreatment standards.

(2) Signing of reports. The reports defined in this section shall be signed as follows:

A. By a responsible corporate officer if the industrial user is a corporation. A "responsible corporate officer" means a president, secretary, treasurer or vice- president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or the manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship, respectively.

C. By a duly authorized individual if:

1. The authorization is made in writing by the individual described in subsection (a)(2)A. or B. hereof:

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well or well field superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and

3. The written authorization is submitted to the City.

(3) Reports of all monitoring. If an industrial user subject to the reporting requirements described in any Federal Categorical Regulation, or as described in Section 913.21 (g), monitors any pollutant more frequently than required, the results of this monitoring shall be included in the semiannual report.

If sampling performed by an industrial user indicates a violation, the user shall notify the City within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit to the City the results of the resampling within 30 days after becoming aware of the violation. However, the industrial user is not required to resample if:

A. The City performs sampling at the industrial user at a frequency of at least once per month; or

B. The City performs sampling at the industrial user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

(4) Notice to City. All industrial users shall notify the Utilities Director in advance of any substantial changes in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

(5) Baseline data reports. Within 180 days following the date of final promulgation by the U.S. EPA for Categorical Pretreatment Standards, any discharger subject to the standards shall submit to the Utilities Director a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge. The report shall state whether the applicable standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the discharger into compliance with the applicable standards or requirements. This statement shall be signed by an authorized representative of the discharger, and certified to by a qualified engineer.

(6) Additional pretreatment. If additional pretreatment and/or O&M activities are necessary to comply with the Categorical Standards, a schedule shall be negotiated in accordance with Section 913.33 (d). The final date on which additional pretreatment and/or O&M activities are implemented shall be no later than the compliance date established in the final promulgation of such Categorical Standards.

(7) Final status reports. Any discharger subject to a Categorical Pretreatment Standard shall submit to the City within 90 days after the final compliance date of such Pretreatment Standard, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the pretreatment standard and a statement that all applicable standards or requirements of the pretreatment standard are being met on a consistent basis. The statement shall be signed by an authorized representative of the discharger.

(8) Periodic compliance reports. Any discharger subject to a Categorical Pretreatment Standard set forth in this chapter, after the compliance date of such pretreatment standard, or in the case of a new discharger, after commencement of the discharge to the City, or subject to discharge limitations as defined by Section 913.21(g), shall submit to the City during the months of July and January, unless required more frequently by the City, a report indicating the nature and concentration of prohibited or regulated substances in the effluent which are limited by the Pretreatment Standards hereof. Cost for the monitoring and analysis shall be borne by the discharger. The Utilities Director for good cause shown may authorize the submission of such reports on months other than those specified above.

(b) Local Limits. The Utilities Director may require the discharger to self-monitor its flow and analyze its characteristics, to properly define the concentration of various pollutants, and to ascertain compliance with the limits defined in Section 913.21(c). Cost for all self-monitoring efforts shall be borne by the discharger.

(c) Operating Upsets.

(1) Any discharger which experiences an upset in operations or causes the discharge of a slug load, which places the discharger in a temporary state of noncompliance with this chapter shall immediately inform the Utilities Director or his or her designee as listed in the discharge permit by telephone.

(2) A written follow-up report thereof shall be filed by the discharger with the Director within five days. The report shall specify:

A. Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status.

B. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.

C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of

noncompliance.

(3) A documented and verified bonafide operating upset may be an affirmative defense to any enforcement action brought by the City against a discharger for any noncompliance with this chapter, which arises out of violations alleged to have occurred during the period of the upset.

(Ord. A-1742. Passed 1-22-90; Ord. A-1810. Passed 5-28-91; Ord. A-2142. Passed 11- -98; Ord. A-2405. Passed 11-8-04; Ord. A-2549. Passed 1-28-08; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12.)

913.26 MANHOLES.

When required by the Utilities Director, the owner of any property serviced by a building sewer shall install, at his expense, a suitable control manhole, together with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be maintained by the owner so as to be safe and shall be accessible to the City at all times.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2743. Passed 12-10-12.)

913.265 TAPPING OF MANHOLES.

(a) Tapping of manholes will not be permitted without authorization from the Utilities Director. Tapping of manholes will not be authorized if a tap can be made on the sewer main.

(b) Requests for tapping of manholes due to special circumstances shall be made in writing to the Director with the following attachments to the request: profile of the sewer main, proposed utility layout, description of how the tap will be made.

(c) In all instances, tapping of manholes shall follow city regulations. Outside drops will be required if the invert of the new sewer lateral or main extension is more than 18 inches higher than the main sewer invert. Construction of the outside drop shall conform to City referenced standards. All connections to the manhole will be watertight and shall be made with a boot.

(Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.27 TESTS.

(a) Approved Methods. Testing of wastewater should be done in accordance to the methods prescribed in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Utilities Director determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods or other applicable sampling analytical procedures approved by the Director. Tests shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

(b) Waste Sampling. Industrial wastes discharged into the public sewers shall be subject to periodic inspection and a determination of character and concentration of such wastes. The determinations shall be made as often as may be deemed necessary by the Director. Samples shall be collected in such a manner as to be representative of the composition of the wastes. The sampling may be accomplished either manually or by the use of mechanical equipment acceptable to the Director. Installation, operation and maintenance of the sampling facilities shall be the responsibility of the industrial user discharging the waste and shall be subject to the approval of the Director or his duly authorized representative at all times. Samples shall be collected and preserved in accordance with 40 CFR Part 136.

(c) Measurement of Flow.

(1) When required by the Director a parcel of land, building or premises discharging wastewater either directly or indirectly shall install a suitable sewer meter in order to determine the sewer service charge or rental provided herein at the expense of the industrial user.

(2) The type of sewer metering device shall be approved by the Director. Following approval and installation, such meters may not be removed without the consent of the Director.

(3) The user shall be required to calibrate the meter at least quarterly or at the manufacturer's recommendation. The industrial user shall maintain records of the calibration results and shall provide such documentation to the City as requested.

(4) In the event of a meter failure or inaccuracy, the user shall be required to report the problem to the Industrial Pretreatment Coordinator within 24 hours.

A. The sewer meter reading will be used as the basis for sewer volume and surcharge billings.

B. In the event of a meter failure, if the sewer meter is repaired and fully operational within 30 days of the initial notification, the flows for the quarter in which the meter failed shall be determined by using the average difference between the water and sewer meter reading for the previous 12 months.

C. If the sewer meter is not repaired and fully operational within 30 days of the initial notification, the flows for the quarter in which the meter failed shall be determined using the water meter readings for said quarter per Section 915.05.

(5) The Utilities Director shall have the authority allow users not otherwise required, to install sewer flow meters at their request.

(6) In the event that the sewer meter shall fail and the user is not a City water user and the usage cannot be measured by a City water meter, then, in each such case the amount of water so used shall be otherwise, estimated or determined by the Director by other means, in order to determine the sewer service charge or rental provided herein.

(d) Analysis. Laboratory procedures used for the analysis of industrial wastes shall be those set forth in 40 CFR Part 136. However, alternative methods for certain analysis of wastes may be used, subject to mutual agreement between the Director and the user. Analysis of the wastes shall be made by the user discharging them, or his agent, as designated and required by the Director. The City may also make its own analysis of wastes, and these determinations shall be binding as a basis for charges.

(e) Limitations on Radioactive Wastes. No user shall discharge, or cause to be discharge, any radioactive waste into a public sewer, except when the industrial user is authorized to use radioactive materials by the Ohio Department of Health or other governmental agency empowered to regulate the use of radioactive material, and when the industrial user is in compliance with all rules and regulations of all other applicable regulatory agencies.

(Ord. A-2051. Passed 8-26-96; Ord. A-2211. Passed 5-8-00; Ord. A-2405. Passed 11-8-04; Ord. A-2549. Passed 1-28-08; Ord. A-2698. Passed 10-24-11; Ord. A-2743. Passed 12-10-12.)

913.28 FILING INFORMATION AND DATA.

(a) Information and data furnished to the Utilities Director with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction, unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

(b) When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available, upon written request, to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, State Disposal System permit and/or the Pretreatment Program; provided, however, that such portions of a report shall be available for use by the date or any date agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the Director as confidential shall not be transmitted to any governmental agency or to the general public by the Director until and unless a ten-day notification is given to the discharger.

(Ord. A-1517. Passed 3-11-85; Ord. A-2142. Passed 11- -98; Ord. A-2743. Passed 12-10-12.)

913.29 TAMPERING, DAMAGING SEWAGE WORKS PROHIBITED.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the POTW.

(Ord. A-901. Passed 5-21-71; Ord. A-2743. Passed 12-10-12.)

913.30 AUTHORITY OF DIRECTOR OF UTILITIES; COUNCIL.

(a) The Utilities Director is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of Sections 913.01 through 913.30 for the purpose of reducing inflow and infiltration, providing control of the installation of sewer connections and the inspection thereof. The Director shall maintain accurate and complete records of all permits issued and inspections made. The Utilities Director is empowered to require the abandonment and removal of connections to the public storm sewers which violate the provisions of this chapter.

(b) Council affirms that the sanitary sewers and the sanitary sewer system of the City are under the exclusive control of the Utilities Director as provided for in Ohio R.C. 729.50, and Council has the general power of such sanitary sewer system as provided for in Ohio R.C. 727.01.

(Ord. A-901. Passed 5-21-71; Ord. A-2142. Passed 11- -98; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.31 POWERS AND AUTHORITY OF INSPECTORS; RIGHT OF ENTRY.

(a) The Utilities Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Director or his or her representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) While performing the necessary work on private properties referred to in subsection (a) hereof, the Utilities Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(c) The Utilities Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, repair, sampling and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(d) Any industrial user shall be required to retain for a minimum of three years any records of monitoring activities and results and shall make such records available for inspection and copying by the Ohio EPA, the U.S. EPA or the City. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the Utilities Director.

(Ord. A-1742. Passed 1-22-90; Ord. A-2142. Passed 11- -98; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.32 CHARGE FOR DOWNSPOUT AND AREA DRAIN DISCHARGE. (REPEALED)

(EDITOR'S NOTE: Section 913.32 was repealed by Ordinance A-2051, passed August 26, 1996.)

913.33 ENFORCEMENT.

The Utilities Director, or any agent designated by him or her from time to time, shall be responsible to enforce the provisions of this chapter as follows:

(a) If the Director, or his or her designated agent, reasonably believes that any user has violated any provision of this chapter, the Director shall serve, or cause to be served upon such user, a written notice of violation identifying the violation. The user may appeal such notice of violation by written notice setting forth the reason(s) for the appeal and requesting a hearing as provided in this section,

if desired, received by the Director not later than 15 days after service of the notice of violation upon the user.

(b) If the Director, or his or her designated agent, reasonably believes that any user is in violation of any provision of this chapter, the Director may serve, or cause to be served, a written administrative order, either personally or by certified mail, return receipt requested, upon such user. Such administrative order shall identify the violation, indicate the action necessary to be taken by the user to achieve compliance with respect to such violation, and may, in the discretion of the Director, impose an administrative fine in an amount not to exceed one thousand dollars (\$1,000) per day for each violation during the period of such violation(s). The user may appeal such administrative order by written notice, setting forth the reason(s) for the appeal and requesting a hearing as provided in this section, if desired, received by the Director not later than 15 days after service of the administrative order upon the user.

(c) Upon timely receipt of a written notice of appeal and request for a hearing as provided in subsections (a) and (b) hereof, or in the absence of such notice of appeal and request for a hearing, at the discretion of the Director when there is any failure of timely compliance with an administrative order, the Director, or his or her designated agent, shall conduct a hearing not less than three nor more than seven days following receipt by the user of written notice of the scheduled hearing date. The time for conducting such hearing may be extended by the Director, or his or her designated agent, in his or her discretion and for good cause, for a period not to exceed seven days following the originally scheduled hearing date. In the case of timely appeal and request for a hearing by the user, such hearing shall be for the purpose of considering the notice of violation or the administrative order from which the appeal is taken, including, but not limited to, whether or not a violation has occurred, the reasonableness of the compliance schedule proposed for correcting a violation, the reasonableness or appropriateness of an administrative fine, or extenuating circumstances. In the case of a hearing conducted at the discretion of the Director when there is any failure of timely compliance with an administrative order, such hearing shall be for the purpose to permit the user to show cause why the enforcement action should not be taken and/or the administrative fine should not be imposed. The hearing shall be conducted in such a manner and such evidence and information shall be considered as may be determined to be appropriate under the circumstances in the discretion of the Director or his or her designated agent. Upon the hearing, the Director, or his or her designated agent, may sustain, withdraw, or modify, in whole or in part, the notice of violation or the administrative order which is the subject of such hearing. The Director, or his or her designated agent, shall serve, or cause to be served, upon the user a copy of his or her written decision. The industrial user may appeal such decisions as otherwise provided by law.

(d) For purposes of this section, service of any notice of violation, administrative order or other notice provided herein, shall be proper when made on any agent, officer or authorized representative of a user.

(Ord. A-2051. Passed 8-26-96; Ord. A-2405. Passed 11-8-04; Ord. A-2743. Passed 12-10-12.)

913.34 RECORDS RETENTION.

All dischargers subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(Ord. A-1517. Passed 3-11-85; Ord. A-2743. Passed 12-10-12.)

913.35 SEVERABILITY.

If any provision, paragraph, word, section or chapter of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

(Ord. A-1517. Passed 3-11-85; Ord. A-2743. Passed 12-10-12.)

913.36 CONFLICT.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

(Ord. A-1517. Passed 3-11-85; Ord. A-2743. Passed 12-10-12.)

913.37 CHARGES AND FEES.

(a) In order to recover at least part of the administrative costs for reviewing the data disclosure forms, collecting samples, monitoring the program and to pay the costs of tests, the City Manager shall establish an original data disclosure fee, a quarterly monitoring fee, a sample collection fee and a procedure to have the industrial user pay the cost of all necessary laboratory tests.

(b) Such charges shall be based on the cost of labor, material, equipment and administrative services performed by the City in carrying out its functions under this chapter.

(Ord. A-1517. Passed 3-11-85; Ord. A-2743. Passed 12-10-12.)

913.99 PENALTY.

(a) Commencement of Action. The City may commence an action for appropriate legal and/or equitable relief in the appropriate courts with respect to the conduct of a discharger contrary to the provisions of this chapter.

(b) Injunctive Relief. Whenever an industrial user has violated or continues to violate any of the provisions of this chapter, its wastewater discharge permit or any order of the City or a court of competent jurisdiction, the City may petition the court for the issuance of a preliminary or permanent injunction, or both (as may be appropriate), which restrains or compels the activities on the part of the user.

(c) Civil Penalties. Any discharger who is found to have violated any of the provisions of this chapter, its wastewater discharge permit, or any order of the City or a court of competent jurisdiction, shall be subject to the imposition of a civil penalty of up to one thousand dollars (\$1,000) per violation. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees, additional operational and management costs directly related to the offense, and other expenses of litigation by appropriate suit at law against the discharger.

(d) Criminal Penalties. Whoever violates any of the provisions of this chapter, a wastewater discharge permit or any order of the City or a court of competent jurisdiction, or allows a violation to continue after becoming aware of such violation, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(e) Falsifying Information; Tampering. Whoever knowingly makes any false statement, representation or certification in any application, record, report, plan or document filed or required to be maintained pursuant to this chapter, a wastewater discharge permit or any order of the City or a court of competent jurisdiction, or falsifies, tampers with or knowingly renders inaccurate any monitoring device or method, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. A-2051. Passed 8-26-96; Ord. A-2396. Passed 8-23-04; Ord. A-2743. Passed 12-10-12.)

CHAPTER 914 Residential Sewers

914.01 Definitions.

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- 914.99 Penalties.

914.01 DEFINITIONS.

Unless the context specifically indicates otherwise the meaning of terms used in this chapter shall be as follows:

- (a) "Act" means the Clean Water Act (33 U.S.C. 1251 et seq.), as amended.
- (b) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet, 1.5 meters, outside the inner face of the building wall.
- (c) "Building sewer" means the extension from the building drain ending at either the City's lateral in the right-of-way or the public sewer or other place of disposal.
- (d) "CCTV" means closed circuit television.
- (e) "City" means the City of Sidney, Ohio.
- (f) "Clean out" means an access point to inspect and perform maintenance on a portion of the building drain, building sewer and lateral.
- (g) "Clean water" may consist of rain water, ground water and any other water that is not sewage and is suitable for discharge directly to the ground or storm sewer.
- (h) "Defects" as related to this chapter, shall include, but is not limited to, offset joints, separated joints, roots, cracks, collapses, or any other defect that may allow clean water to enter the building drain/sewer or prevent a CCTV inspection in accordance with the City's standards.
- (i) "Director" means the Utilities Director of the City or any future title given to this position, or his/her authorized deputy, agent or representative.
- (j) "EPA" means the Environmental Protection Agency.

- (k) "Infiltration" means the introduction of clean water into a sewer intended to convey sewage through defects in the building drain, building sewer, lateral, public sewer and/or any other appurtenance to the POTW.
- (l) "Inflow" means any direct connection, such as but not limited to downspouts, sump pumps, footer drains or any other connection that conveys clean water into any part of the sanitary sewer either directly or indirectly.
- (m) "I&I" means, in combination or individually, inflow and infiltration, and is referenced to indicate clean water intrusions into the sanitary sewer.
- (n) "Lateral" means the City's portion of the sewer serving a property extending from the main sewer up to and including the clean out or other approved structure located within the right-of- way. Laterals are City owned and therefore subject to Chapter 913 "City-Owned and Nonresidential Sewers."
- (o) "Nonresidential" means a property served by a sewer that does not meet the definition of "Residential".
- (p) "NPDES" means the National Pollutant Discharge Elimination System permit program as administered by the U.S. EPA or State.
- (q) "O&M" mean operation and maintenance.
- (r) "Person" means any individual, firm, company, association, society, corporation or group.
- (s) "POTW", denoting Publicly-Owned Treatment Works, means any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the City.
- (t) "Residential" means a property limited to single family, duplex, or triplex residential structure that discharges only domestic waste. All others are considered nonresidential.
- (u) "Sanitary sewer" means a sewer which conveys sewage and to which storm, surface and ground water are not intentionally admitted.
- (v) "Sanitary Sewer Overflow (SSO)" means the unintentional discharge of sewage from the sanitary sewer system.
- (w) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.
- (x) "Sewage treatment plant" means all facilities for pumping, treating and disposing of sewage. Also used in reference to the Wastewater Treatment Plant.
- (y) "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.
- (z) "Shall" is mandatory; "may" is permissive.
- (aa) "State" means the State of Ohio.
- (bb) "Storm sewer" means a sewer which conveys storm and surface water and drainage.
- (cc) "Wastewater" means industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged to the POTW.
- (dd) "Water in basement (WIB)" means a backup of sewage from a sanitary sewer into a building. This is also referred to as a SSO.
- (ee) "WWTP" means the City's Wastewater Treatment Plant.

(Ord. A-2743. Passed 12-10-12.)

914.02 PERMIT REQUIRED.

A sewer permit shall be required for the installation, modification, repair or replacement of a building drain and/or building sewer.

- (a) Maintenance activities such as but not limited to cleaning or clearing of blockages do not require a permit.

(Ord. A-2743. Passed 12-10-12.)

914.03 BUILDING DRAIN/SEWER DEFECTS PROHIBITED.

(a) Defects of building drains/sewer are prohibited and upon discovery of such shall be ordered by the Director to be abated. Defects shall be abated no later than 24 months after receipt of order.

(1) "Defects" include but are not limited to:

A. Mineral deposits that indicate leaks have occurred;

B. Separated joints

C. Offset joints;

D. Roots;

E. Fractures.

F. Collapsed pipe;

G. Restrictions that prevent inspection;

H. Missing or defective clean out caps;

I. Any other defect that may cause clean water to enter the sanitary sewer;

J. Unidentified connections and/or connections of potential clean water sources such as, but not limited to, downspouts, sump pumps, foundation drains, driveway drains, and yard drains;

K. Observed active leaks.

(2) The Director may require abatement to occur in a period of less than 24 months when, in his or her judgment, delaying abatement puts the POTW at risk, public health may be adversely affected or there has been a previously abated clean water source reconnected.

(b) Any property owner may transfer ownership of a portion of an existing building sewer that was constructed prior to January 1, 2013 that resides in the right-of-way to the City provided that:

(1) A City-approved clean out in a location approved by the Director is provided;

(2) The administrative fees are paid;

(3) A signed "Building Sewer/Lateral Transfer Agreement" is submitted to the City;

(4) The Director may waive the administrative fee and the requirement for the property owner to provide a clean out if transfer of the building sewer residing in the right-of-way is desired by the City.

(Ord. A-2743. Passed 12-10-12.)

914.04 PLUMBER REQUIRED.

All connections to the City's sewers shall be performed by a plumber who has given bond to the City as required by Section 913.03.

(a) A plumber is not required for an owner to make the connection of the building sewer to the City's lateral if so provided.

(Ord. A-2743. Passed 12-10-12.)

914.05 DEPOSIT OR DISCHARGE ON PUBLIC OR PRIVATE PROPERTY, OR NATURAL OUTLET PROHIBITED.

(a) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.

(b) No person shall discharge into any natural outlet within the City, or in any area under the jurisdiction of the City, any sewage or

other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) If the Director or his or her designee determines that there is an immediate danger to public health, the Director has the authority, but is not required, to cause the necessary repairs to be performed on private property. All costs and expenses to make said repair or otherwise abate the health hazard shall then be assessed to the property owner.

(d) The Director may cause repairs to be made and the cost thereof shall temporarily be paid by the City. This cost, together with a penalty as determined by Council, shall be assessed by Council. If not so paid, the Clerk of Council shall certify such assessments to the County Auditor to be collected as other taxes are collected.

(Ord. A-2743. Passed 12-10-12.)

914.06 SEWER CONNECTIONS MANDATORY.

(a) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, individual sewage disposal system or other facility intended or used for the disposal of sewage.

(b) The owner of all buildings or properties for human occupancy, employment, recreation or other purposes situated within the City and abutting any street, alley or right-of-way in which there is located a public sewer of the City within 200 feet of the property line or within 400 feet of the foundation of the structure, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter and by the date prescribed by the Sidney-Shelby County Health Department. All on-site sewage disposal systems within the City in existence prior to March 24, 2003 shall have ten years from the date that sewer services became available to connect to the public sewer system unless the on-site system shall fail, as determined solely by the Health Department.

(c) In no case shall an owner be authorized to improve, extend or expand an on-site disposal system without approval of the City; the owner shall, however, be permitted to clean and repair an existing system.

(d) Whenever an on-site disposal system is abandoned, it shall be properly filled with a granular material acceptable to the Utilities Director.

(Ord. A-2743. Passed 12-10-12.)

914.07 PRIVATE SEWAGE DISPOSAL SYSTEMS.

(a) Except as provided, no person shall construct or maintain any privy, vault, septic tank, cesspool or other facility intended or used for private sewage disposal.

(b) If a public sanitary sewer is not available within 200 feet of a premises, or within 400 feet of the foundation of a structure on the premises, the building sewer shall be connected to a private sewage disposal system authorized by the Health Department regulations. These regulations shall include: the type of on-lot disposal system, location, and layout.

(c) All on-lot disposal systems shall be maintained per the regulations of the Health Department.

(d) No holding tank waste shall be permitted to directly discharge into any natural outlet.

(e) When public sewers become available to those being served by private sewage disposal systems under this section, property owners shall comply with Section 914.06(b) of the Codified Ordinances.

(f) The abandonment of private sewage disposal systems shall be in compliance with the requirements of the Health Department.

(g) The owner shall, at his expense, operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

(Ord. A-2743. Passed 12-10-12.)

914.08 APPEAL.

(a) Any person so ordered to: (1) connect to the sanitary sewer system; (2) ordered to extend water mains; (3) denied a variance under Section 920.04(c) of the Codified Ordinances, shall have the right to appeal such order or decision to the Utility Connection

Appeal Board. The Board shall consist of the Director of Utilities and the Public Works Director or their designated representatives, and a representative of the Sidney-Shelby County Board of Health.

Appeals shall be filed in writing with the Board and shall be in accord with such rules and procedures as the Board may establish. This three-person Board shall hear, review and rule on appeals, shall resolve facts concerning the availability of a sanitary sewer to a property; the extension of sewer mains and water main; and variances. In making these determinations, the Board shall specifically include the following criteria:

- (1) Environmental concerns;
- (2) Technical feasibility; and
- (3) Economic consequences.

There shall be provided a 30-day appeal period following receipt of the City notice or decision. The Board shall rule on such appeal within 30 days following the receipt of an appeal.

(b) Any person so ordered: (1) to perform an inspection in accordance with this chapter; (2) abate a defective building drain and/or building sewer; (3) any other action authorized by this chapter of the Codified Ordinances, shall have the right to appeal such order or decision to the Director. The Director shall hear, review and rule on appeals and shall resolve facts concerning the appeal.

Appeals shall be submitted in writing to the Director within 30 days of receipt of the City order to be considered. Appeals submitted after 30 days shall not be considered.

The Director shall be authorized to provide an extension of time as deemed appropriate but not to exceed for the following activities:

- (1) Thirty days for a building drain/sewer inspection to be performed.
- (2) Thirty days for the installation of a City-approved clean out.
- (3) Sixty days for abatement of a defective building drain and/or building sewer.
- (4) Sixty days for the disconnection of clean water sources.

The Director shall rule on such appeal within 30 days following the receipt of the appeal.

(Ord. A-2743. Passed 12-10-12.)

914.09 OWNERS TO PROVIDE WATER AND SEWER CONNECTIONS; ASSESSMENTS.

(a) Whenever the paving or repairing of any street or public highway has been ordered by Council, the Department of Public Works shall, as it deems necessary, serve the owners of property abutting upon the street or highway, a notice directing such owners to extend the sanitary sewer lateral and water connections to the property line if not already provided or as it may designate within a time specified therein.

(b) At the expiration of the time specified, if connections are not made as herein provided, the Department shall cause these to be made and the cost thereof shall temporarily be paid by the City. This cost, together with a penalty as determined by Council, shall be assessed by Council on the property abutting on the street or highway to be paved, to be paid in cash to the Finance Director. If not so paid, the Clerk of Council shall certify such assessments to the County Auditor to be collected as other taxes are collected. Council may waive the provisions of this section and Section 913.07 if the property owner is willing to sign an agreement that he will not be permitted to connect to the sanitary sewer for a period of time as prescribed by Chapter 901.

(Ord. A-2743. Passed 12-10-12.)

914.10 COST AND EXPENSE.

All costs and expense incidental to the inspection, installation and connection of the building drain, building sewer and lateral shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the activities associated with the inspection, maintenance, repair, installation and connection of the aforementioned.

(a) The lateral shall be owned and operated by the City only after it has been installed to the City's standards or as described in

(Ord. A-2743. Passed 12-10-12.)

914.11 SEPARATE SEWER REQUIRED; USE OF EXISTING SEWERS.

(a) A separate and independent building sewer and lateral shall be provided for every building needed to be serviced by a sewer.

(1) The Director may permit multiple buildings to connect where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, provided that ownership of the building sewer remains with the owner of the lot. In no case shall a building sewer extend beyond a single lot to connect multiple buildings.

(b) Existing building sewers and laterals may be used in connection with new buildings only when they are found, on inspection to the City's standards at the time of connection, to meet all requirements of this chapter.

(Ord. A-2743. Passed 12-10-12.)

914.12 CONSTRUCTION CONFORMANCE.

(a) The size, slope, alignment, materials of construction of a building sewer and lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the Building and Plumbing Codes, adopted in Chapter 1301 of Part Thirteen - the Building Code, or other applicable rules or regulations of the City and shall be approved by the Utilities Director.

(Ord. A-2743. Passed 12-10-12.)

914.13 BACKWATER VALVES.

(a) No person shall tap any sewer of the City or make any connection therewith, unless there shall be installed in such connection, or in the building sewer, what is commonly known as a backwater valve, where the overflow rim of the lowest plumbing fixture(s) inside the structure is below rim elevation of the next upstream manhole in the public sewer.

(1) Backwater valves shall be installed so that access is provided to the working parts for service and repair to be performed at the owner's expense.

(2) The Health Department shall designate and approve the standard acceptable types of backwater valves that shall be used. The installation and inspection of backwater valves shall be conducted by the Health Department.

(b) Whenever the Utilities Director shall determine it necessary for the protection from sewer backups, owners of property, which are connected to the City sewer, shall install backwater valves in the sewer connections to their property.

(c) No owner or occupant of property, having a sewer connection without a backwater valve, who is ordered to install the backwater valve therein shall fail to comply with such order.

(d) The Utilities Director shall promulgate rules covering the conditions where the backwater valves shall be installed.

(Ord. A-2743. Passed 12-10-12.)

914.14 CLEAN WATER INTRUSION PROHIBITIONS.

(a) No person shall make a connection from their roof downspouts, exterior foundation drains, areaway drains or other similar collections of surface runoff or ground water to a drain which is connected directly or indirectly to a public sanitary sewer.

(b) Any existing structure which has such connections shall be notified in writing by the Utilities Director to disconnect such drains from the public sanitary sewer in accordance with 914.03 "Building Drain/Sewer Defects Prohibited."

(c) All cost and expense incidental to the inspection, disconnection or repair mentioned in subsections (a) and (b) above shall be borne by the owner.

(Ord. A-2743. Passed 12-10-12.)

914.15 CONNECTIONS; STANDARDS.

The connection of the building sewer into the public sewer or the existing lateral and the connection between the building sewer and the building drain shall conform to the requirements of the Building and Plumbing Code, adopted in Chapter 1301 of Part Thirteen - the Building Code, or other applicable rules and regulations of the City, or to the procedures set forth in appropriate specifications of the *WEF Manual of Practice No. 9*. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Utilities Director before installation.

(Ord. A-2743. Passed 12-10-12.)

914.16 INSPECTIONS.

(a) The applicant for a sewer permit shall notify the Utilities Director when the sewer is ready for inspection.

(b) The connection to the public sewer, lateral and the connection between the building drain and the building sewer, as well as the entire building sewer, shall remain uncovered until approved by the Director or his representative.

(c) When applicable, upon completion of the sewer connection, the property owner shall abandon the on-lot sewage disposal system in accordance with the Health Department procedures and shall be inspected and approved by the Director or his representative.

(1) The City shall forward the septic tank abandonment inspection form to the Health Department.

(d) The lateral from the main up to and including the clean out or other approved structure in the right-of-way shall be turned over to the City and shall become part of the City's POTW upon passing a sewer inspection.

(e) Because I&I will, over time, increase as a system ages, whether it is a private or public sewer, and I&I is a major contributor to Sanitary Sewer Overflows (SSOs), back-ups into basements (WIBs) and bypasses at the WWTP, and all of these conditions are a violation of the City's NPDES permit issued by the Ohio EPA, the Director shall create and maintain standards for inspections of private sewers. Inspections shall be required when one or more of the following conditions are applicable:

(1) Flow monitoring in the sanitary sewer identifies that inflow and/or infiltration is occurring in the tributary sewerage service area.

(2) Publicly available evidence indicates that a defect may be present and/or inflow and/or infiltration is entering a building drain and/or building sewer.

(3) The private sewer has not previously been inspected and has not previously passed an air test as described in the City's Engineering Standard.

(4) The property is sold or transferred and a previous inspection has not been performed in five years since the point of sale.

(f) The Director shall establish standards for such inspections and shall require a CCTV inspection of any and all portions of the building drain and building sewer that cannot be visually inspected. All inspection reports and CCTV videos shall be submitted to the City for review and evaluation no later than 12 months after being so ordered,

(1) All inspection reports submitted to the City shall include a signed certification statement by the person that performed said inspection.

(2) Cost and expense of inspecting building drains and building sewers for defects and/or clean water connections shall be borne by the owner.

(Ord. A-2743. Passed 12-10-12.)

914.17 ACCESS TO SEWER SYSTEM.

No person shall access the sewer system or POTW for any activity, including discharge of hauled septic or industrial wastes, except at locations and at times as designated by the Utilities Director. Any removal of manhole lids or other access to the sewer system, for the purpose of discharging wastes at times and/or locations other than those designated by the Utilities Director, shall be considered a violation and shall be subject to enforcement action, including fines and penalties allowed by this chapter.

(Ord. A-2743. Passed 12-10-12.)

914.18 AUTHORITY OF DIRECTOR OF UTILITIES; COUNCIL.

(a) The Utilities Director is authorized and directed to adopt and enforce specifications and regulations in accordance with the provisions of Sections 914.01 through 914.99 for the purpose of reducing I&I, control of the installation of sewer connections and inspections. The Director shall maintain accurate and complete records of all permits issued and inspections made. The Utilities Director is empowered to require the abandonment and removal of connections to the public sewers which violate the provisions of this chapter.

(b) Council affirms that the sanitary sewers and the sanitary sewer system of the City are under the exclusive control of the Utilities Director as provided for in Ohio R.C. 729.50, and Council has the general power of such sanitary sewer system as provided for in Ohio R.C. 727.01.

(Ord. A-2743. Passed 12-10-12.)

914.19 POWERS AND AUTHORITY OF INSPECTORS; RIGHT OF ENTRY.

(a) The Utilities Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

(b) While performing the necessary work on private properties referred to in subsection (a) hereof, the Utilities Director or duly authorized employees of the City shall observe all safety rules applicable, and the property owner shall be held harmless for injury or death to the City employees, and the City shall indemnify the property owner against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the property owner, and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the property owner to maintain safe conditions.

(c) The Utilities Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, repair, sampling and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. A-2743. Passed 12-10-12.)

914.20 ENFORCEMENT.

The Utilities Director, or any agent designated by him or her from time to time, shall be responsible to enforce the provisions of this chapter as follows:

(a) If the Director, or his or her designated agent, reasonably believes that any person has violated any provision of this chapter, the Director shall serve, or cause to be served upon such property owner, a written notice of violation identifying the violation. The property owner may appeal such notice of violation by written notice setting forth the reason(s) for the appeal and requesting a hearing as provided in this section, if desired, received by the Director not later than 30 days after service of the notice of violation upon the property owner.

(b) If the Director, or his or her designated agent, reasonably believes that any person is in violation of any provision of this chapter, the Director may serve, or cause to be served, a written administrative order, either personally or by certified mail, return receipt

requested. Such administrative order shall identify the violation, indicate the action necessary to be taken to achieve compliance with respect to such violation, and may, in the discretion of the Director, impose an administrative fine in an amount not to exceed twenty-five dollars (\$25.00) per day for each violation during the period of such violation(s). An appeal of the administrative order by written notice, setting forth the reason(s) for the appeal and requesting a hearing as provided in this section, if desired, received by the Director not later than 30 days after service of the administrative order.

(c) The Director shall cause to be installed a clean out approved by the City or by any other means appropriate and terminate sanitary sewer service for any property found to be in violation of this chapter for more than 30 days.

(1) The City shall post notice of the termination of service on the property.

(2) The Sidney/Shelby County Health Department shall be notified of the termination of service at the property.

(3) Service shall be restored when the violations have been abated or the Director has authorized a signed Administrative Order that contains dates to achieve compliance.

(Ord. A-2743. Passed 12-10-12.)

914.21 SEVERABILITY.

If any provision, paragraph, word, section or part of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

(Ord. A-2743. Passed 12-10-12.)

914.22 CONFLICT.

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this chapter are hereby repealed to the extent of such inconsistency or conflict.

(Ord. A-2743. Passed 12-10-12.)

914.23 CHARGES AND FEES.

To recover, in whole or in part of, the administrative costs the City Manager shall establish an Administrative Fee for property owners transferring a portion of the building sewer in the right-of-way, thereafter called the lateral, to the City.

(a) Such charges shall be based on the cost of labor, material, equipment and administrative services performed by the City in carrying out its functions under this chapter.

(b) The Director shall have the authority to waive and or reduce fees in accordance with this chapter.

(Ord. A-2743. Passed 12-10-12.)

914.99 PENALTIES.

(a) Commencement of Action. The City may commence an action for appropriate legal and/or equitable relief in the appropriate courts with respect to the conduct of a discharger contrary to the provisions of this chapter.

(b) Injunctive Relief. Whenever a person has violated or continues to violate any of the provisions of this chapter or any order of the City or a court of competent jurisdiction, the City may petition the court for the issuance of a preliminary or permanent injunction, or both (as may be appropriate), which restrains or compels the activities on the part of the property owner.

(c) Civil Penalties. Any discharger who is found to have violated any of the provisions of this chapter, or any order of the City or a court of competent jurisdiction, shall be subject to the imposition of a civil penalty of up to twenty-five dollars (\$25.00) per violation. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees, and additional

operational and management costs directly related to the offense, and other expenses of litigation by appropriate suit at law against the discharger.

(d) Termination of Service. Whoever violates any provision of this chapter and has failed to abate a violation for more than 30 days shall have their sanitary sewer service terminated. The property shall then be referred to the Sidney/Shelby County Health Department. The City may recover costs directly associated with this action.

(e) Criminal Penalties. Whoever violates any of the provisions of this chapter, or any order of the City or a court of competent jurisdiction, or allows a violation to continue after becoming aware of such violation, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(f) Falsifying Information; Tampering. Whoever knowingly makes any false statement, representation or certification in any application, record, report, plan or document filed or required to be maintained pursuant to this chapter or any order of the City or a court of competent jurisdiction, or falsifies, tampers with or knowingly renders inaccurate any monitoring device or method, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(Ord. A-2743. Passed 12-10-12.)